

Message Text

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ACTION NEA-11

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FM AMEMBASSY TRIPOLI
TO SECSTATE WASHDC 5489
INFO AMEMBASSY CAIRO
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E.O. 11652: N/A
TAGS: PGOV, MILI, MORG, LY
SUBJECT: LIBYA'S NEW MILITARY SERVICE LAW

REF: (A) TRIPOLI 0437 (DTG 221430Z MAR 78), (B) TRIPOLI 0536
(NOTAL)

BEGIN UNCLASSIFIED

BEGIN SUMMARY: LIBYAN GOVERNMENT ANNOUNCED NEW COMPULSORY
MILITARY SERVICE LAW MAY 6, 1978 WHICH CAME IN RESPONSE TO
QADHAFI'S MARCH 19 CALL FOR AN "ARMED PEOPLE," AND WHICH
SHOULD PUT SOME ORDER INTO THE HELTER/SKELTER MILITARY
IMPRESSMENT WHICH HAS BEEN THE FATE OF HUNDREDS OF YOUNG
LIBYANS SINCE THE COLONEL'S SPEECH. NEW LAW MAKES THREE TO
FOUR YEARS OF MILITARY SERVICE COMPULSORY FOR ALL LIBYANS
BETWEEN THE AGES OF 18 AND 35. EXEMPTIONS AND PARTICULARLY
DEFERMENTS ARE FAIRLY LIBERAL. OPERATIONAL MECHANISMS NOT AS
YET SPECIFIED AND WILL BE TASK OF ARMED FORCES GENERAL COMMAND.
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LAW TAKES EFFECT UPON PUBLICATION IN OFFICIAL GAZETTE. COPY
OF LAW AND FBIS TRANSLATION WILL BE POUCHED TO DEPARTMENT.
END SUMMARY.

1. CONSIDERABLE MEDIA ATTENTION WAS FOCUSED MAY 6/7 ON
ANNOUNCEMENT OF NEW MILITARY SERVICE AND REAL ESTATE
LAWS (LATTER REPORTED TRIPOLI 0696). TO ENSURE MAXIMUM

PUBLICITY, BOTH LAWS WERE PUBLISHED ON WHAT IS NORMALLY THE SPORTS PAGE OF TRIPOLI'S ONE DAILY NEWSPAPER. WHILE NOT DRACONIC, NEW CONSCRIPTION LAW IS QUITE ENCOMPASSING AND IF SUCCESSFULLY IMPLEMENTED SHOULD GO A LONG WAY TOWARDS SATISFYING COLONEL QADHAFI'S MARCH 19 CALL FOR "THE EMERGENCE OF AN ARMED PEOPLE UNTIL THE PEOPLE ATTAIN THEIR ULTIMATE AIM OF ASSUMING THE TASK OF DEFENDING THEMSELVES" (REFTEL A). IN ACCORDANCE WITH LIBYA'S NEW "POPULAR DEMOCRACY" THE CONCEPT OF COMPULSORY MILITARY SERVICE WAS SUBMITTED TO LOCAL POPULAR CONFERENCES WHICH MET BETWEEN MARCH 20 AND APRIL 6. NOT SURPRISINGLY, 184 VOTED IN FAVOR OF THE PROPOSAL VERSUS TWO WHICH WERE AGAINST IT (REFTEL B). THE LAW CANCELS THE COMPULSORY MILITARY SERVICE LAW OF 1967 WHICH WAS APPARENTLY OF LIMITED EFFECTIVENESS.

2. NEW LAW WILL BE APPLICABLE TO "EVERY CITIZEN" BETWEEN 18 AND 35. (DESPITE TERMINOLOGY, PROVISIONS APPARENTLY APPLY TO MALES ONLY.) PERIOD OF SERVICE WILL BE THREE YEARS FOR LAND FORCES AND FOUR YEARS FOR NAVAL, AIR, AND AIR DEFENSE FORCES. OFFICERS WILL FOR THE LARGE PART BE CHOSEN FROM LONG DRAFTEES WHO ARE GRADUATES OF HIGHER INSTITUTES AND UNIVERSITIES. THE CHOICE OF OFFICERS WILL BE MADE BY A SPECIAL COMMITTEE WHICH THE GENERAL COMMANDER WILL ESTABLISH. NEW OFFICERS WILL BE GRANTED RANK OF SECOND LIEUTENANT.
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3. EXCLUSION, EXEMPTION, OR DEFERMENT FROM COMPULSORY MILITARY SERVICE ARE AVAILABLE IN FOLLOWING CASES:

A. THOSE EXCLUDED FOR HEALTH REASONS;
B. PREVIOUS VETERANS OF MINIMUM OF THREE YEAR'S SERVICE;
C. PERSONS EXCLUDED BY COMMANDER OF ARMED FORCES FOR REASONS OF "PUBLIC INTEREST";
D. AN ONLY SON;
E. AS NECESSARY TO ALLOW ONE SON OF ANY FAMILY TO BE OUTSIDE THE MILITARY AT ANY GIVEN TIME;
F. PERSON WHO PROVIDES SOLE INCOME FOR FAMILY OTHER THAN WIFE AND CHILDREN; AND
G. STUDENTS WHO ARE CONTINUING THEIR STUDIES.
TO PRECLUDE STUDENTS FROM UNDULY ABUSING THE EDUCATIONAL DEFERMENT, UPPER AGE LIMITS HAVE BEEN ESTABLISHED (I.E. AGE 28 FOR UNIVERSITY AND 22 FOR SECONDARY AND TECHNICAL INSTITUTE STUDENTS). STUDENTS STUDYING ABROAD ARE SIMILARLY CONTROLLED.

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4. THE LAW FURTHER STIPULATES THAT NO CITIZEN BETWEEN AGES OF 19 AND 35 CAN HAVE EMPLOYMENT OR BE A STUDENT UNLESS HE PRESENTS AN AS YET UNSPECIFIED CERTIFICATE (IN EFFECT A DRAFT CARD) WHICH WILL BE ISSUED BY THE ARMED FORCES COMMANDER. VETERANS MAY REGAIN THEIR FORMER JOBS WITHIN ONE MONTH OF THEIR DEMOBILIZATION PROVIDED THEY ARE "STILL SUITABLE FOR THE JOBS THAT HAD BEEN KEPT FOR THEM."

5. NEW LAW ALSO CONTAINS RESERVIST PROVISIONS RELATIVE TO TIMES OF WAR, MOBILIZATION, EMERGENCY, OR "ACTUAL MOVEMENTS." THE ARMED FORCES COMMANDER IS ALSO PERMITTED UNDER THE LAW TO RECALL THOSE WHO HAVE COMPLETED THEIR SERVICE TO UNDERTAKE ANNUAL TRAINING.

6. ANYONE BREACHING THE PROVISIONS OF LAW OR ITS RELATED ADMINISTRATIVE DECISIONS WILL BE TRIED IN A MILITARY COURT AND WILL BE PUNISHED BY NOT LESS THAN ONE YEAR'S IMPRISONMENT AND LOSS OF HIS CIVIL RIGHTS FOR FIVE TO

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TEN YEARS. END UNCLASSIFIED.

7. COMMENT. ALTHOUGH "POPULAR" DEMONSTRATION WAS HELD IN TRIPOLI MAY 6 TO CELEBRATE THE NEW MILITARY SERVICE AND REAL ESTATE LAWS, BOTH OF WHICH ARE VIEWED AS IMPORTANT MILESTONES TOWARDS THE REALIZATION OF THE GOALS OF QADHAFI'S "GREEN BOOK," IT GOES WITHOUT SAYING THAT THE MILITARY SERVICE LAW IS VERY UNPOPULAR AMONG STUDENTS AND THE GROWING MIDDLE CLASS. STILL, NEW LAW SHOULD BRING SOME ORDER TO CONSCRIPTION PROCEDURES WHICH LATELY HAVE INCLUDED RANDOM IMPRESSMENT OF HUNDREDS OF YOUTHS WHO WERE LITERALLY SWEEPED OFF CITY STREETS. WHILE QADHAFI'S PURPORTED GOAL OF A MILLION-MAN MILITARY FORCE IS NEITHER PRACTICAL NOR POSSIBLE, NEW NATIONAL SERVICE LAW WILL PERMIT SIGNIFICANT EXPANSION OF LIBYAN ARMED FORCES FAR ABOVE ITS ESTIMATED 50,000 LEVEL. HOW FAST THE LIBYAN MILITARY CAN BE EXPANDED REMAINS TO BE SEEN AND WILL DEPEND ON THE BALANCE STRUCK BETWEEN QUANTITY AND QUALITY. IF ALL THAT IS REQUIRED IS A MASS IN UNIFORM, EXPANSION COULD BE QUITE RAPID BECAUSE OF FUNDING AVAILABLE AND ONLY MODEST HOUSING NEEDS IN THIS CLIMATE. IF SOME QUALITY AS A FIGHTING FORCE IS DESIRED, THEN SHORTAGE OF TRAINING CADRE WILL BE A SEVERE LIMITING FACTOR ON RAPID EXPANSION.

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